

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1758 be amended to read as follows:

- 1 Page 2, delete lines 35 through 38.
- 2 Page 3, line 22, delete "but".
- 3 Page 3, line 23, delete "provided" and insert "**and sold**".
- 4 Page 3, line 23, after "seller" insert "**and not provided by a third**
- 5 **person**".
- 6 Page 4, line 1, delete "are" and insert "**is**".
- 7 Page 4, line 1, after "no" insert "**surviving spouse or**".
- 8 Page 4, line 1, delete "children" and insert "**child**".
- 9 Page 4, line 16, after "trustee" insert "**or "escrow agent, acting as**
- 10 **a fiduciary",**".
- 11 Page 4, line 19, reset in roman "or".
- 12 Page 4, line 20, delete "or".
- 13 Page 4, delete line 21.
- 14 Page 4, line 23, after "trustee" insert "**or escrow agent, acting as**
- 15 **a fiduciary**".
- 16 Page 4, line 38, delete "or services" and insert "**, or services,**".
- 17 Page 4, line 39, delete "provided" and insert "**sold**".
- 18 Page 5, line 25, after "opening" insert "**and closing of**".
- 19 Page 5, delete line 26.
- 20 Page 10, line 16, after "number," insert "**if known,**".
- 21 Page 10, line 18, after "trustee" insert "**or escrow agent**".
- 22 Page 10, between lines 28 and 29, begin a new line double block
- 23 indented and insert:
- 24 "**(H) The contract must disclose the following:**

- 1 (i) The amount, if any, the seller has elected to  
 2 receive under subsection (c)(1) or subsection (d)(6).  
 3 (ii) That a commission or fee will be paid to the  
 4 seller or the seller's agent on a contract funded  
 5 under subsection (b)(1)(B)(i).".
- 6 Page 10, line 32, after "effective" insert **"only"**.
- 7 Page 11, line 11, delete "sections 12.5(c)(8)" and insert  
 8 **"subsections (c)(1) and (d)(6)"**.
- 9 Page 11, line 11, after "and" insert **"section"**.
- 10 Page 11, delete lines 17 through 19, begin a new line block  
 11 indented and insert:  
 12 **"(1) be irrevocable and require that:**  
 13 **(A) the seller deposit the insurance policy used to fund**  
 14 **the contract into the trust account;**  
 15 **(B) the seller deposit the cash used to fund the contract**  
 16 **into the trust account. However, within ten (10) days**  
 17 **following the date the contract becomes irrevocable, and**  
 18 **at the sole discretion of the seller, the contract must**  
 19 **permit the seller to deliver a portion of the funeral**  
 20 **services subject to the contract and to receive from trust**  
 21 **an amount not to exceed ten percent (10%) of the**  
 22 **seller's total contract price for services or merchandise**  
 23 **only. Cash deposited into trust may not be used to**  
 24 **purchase an insurance policy."**
- 25 Page 11, line 30, after "on" insert **"receipt of the seller's proof**  
 26 **of"**.
- 27 Page 11, line 31, delete "an amount equal to the seller's" and insert  
 28 **"the full amount in trust applicable to the purchaser's contract and**  
 29 **all of the accumulated interest; and"**.
- 30 Page 11, delete lines 32 through 39.
- 31 Page 11, line 40, delete "(9)" and insert **"(8)"**.
- 32 Page 12, line 2, after "," insert **"in the case of a contract funded**  
 33 **under subsection (b)(1)(B)(ii),"**.
- 34 Page 12, delete lines 3 through 5, begin a new line block indented  
 35 and insert:  
 36 **"not retain the remaining amount but must pay the**  
 37 **remaining amount to the designated beneficiary. In the case**  
 38 **of all other contracts funded under this chapter, the seller**  
 39 **may opt to return the remaining amount to the individual**  
 40 **designated by the purchaser to receive the remainder or to**  
 41 **the purchaser's estate."**
- 42 Page 12, line 7, after "must" insert **"do all of the following"**.
- 43 Page 12, line 8, delete "be" and insert **"Be"**.
- 44 Page 12, line 9, delete "trust" and insert **"escrow"**.
- 45 Page 12, line 10, delete ";" and insert **","**.
- 46 Page 12, line 11, delete "designate" and insert **"Designate"**.

- 1 Page 12, line 11, delete ";" and insert ".".
- 2 Page 12, line 12, delete "designate" and insert "**Designate**".
- 3 Page 12, line 14, delete ";" and insert ".".
- 4 Page 12, line 15, delete "require" and insert "**Require**".
- 5 Page 12, line 17, delete ";" and insert ".".
- 6 Page 12, line 18, delete "permit" and insert "**Permit**".
- 7 Page 12, line 19, delete ";" and insert ".".
- 8 Page 12, line 12, delete "a trustee" and insert "**an escrow agent**".
- 9 Page 12, between lines 19 and 20, begin a line block indented and
- 10 insert:
- 11 "**(6) Permit the seller to receive an administrative or service**
- 12 **fee at the option of the seller. The seller may opt to receive**
- 13 **the fee after the day following the date the contract becomes**
- 14 **irrevocable. The amount of the fee may not exceed ten**
- 15 **percent (10%) of the seller's total contract price for services**
- 16 **or merchandise.**".
- 17 Page 12, line 20, delete "(6) require" and insert "**(7) Require**".
- 18 Page 12, line 21, after "equal to" delete "the" and insert ":".
- 19 Page 12, delete lines 21 through 23, begin a new line double block
- 20 indented and insert:
- 21 "**(A) the seller's original retail price as set forth in the**
- 22 **contract for the services or merchandise delivered;**
- 23 **minus**
- 24 **(B) the amount, if any, received by the seller under**
- 25 **subdivision (6).**".
- 26 Page 12, line 24, delete "(7) permit" and insert "**(8) Permit**".
- 27 Page 12, line 27, after "less than" delete "the" and insert ":".
- 28 Page 12, delete lines 28 through 30, begin a new line double block
- 29 indented and insert:
- 30 "**(A) the original contract value of all services or**
- 31 **merchandise under the contracts, or parts of the**
- 32 **contracts that remain undelivered; minus**
- 33 **(B) the amounts, if any, received by the seller under**
- 34 **subdivision (6).**".
- 35 Page 13, line 10, before "individual" insert "**death of the**".
- 36 Page 13, delete lines 39 through 42.
- 37 Page 14, delete lines 1 through 2.
- 38 Page 14, line 5, reset in roman "an".
- 39 Page 14, line 6, reset in roman "individual,".
- 40 Page 14, line 8, after "partnership" insert ":".
- 41 Page 14, line 9, reset in roman "(1)".
- 42 Page 14, line 10, delete "." and insert ";".
- 43 Page 14, line 10, after "or" insert "**and**".
- 44 Page 14, between lines 10 and 11, between a new line block
- 45 indented and insert:
- 46 "**(2) holding a certificate of authority under his chapter.**".

- 1 Page 14, line 20, delete ".".
- 2 Page 14, line 20, reset in roman "or".
- 3 Page 14, line 21, reset in roman "escrow agent."
- 4 Page 14, line 34, delete "However, a seller using an escrow shall".
- 5 Page 14, delete lines 35 through 36.
- 6 Page 14, line 39, delete "for".
- 7 Page 14, delete lines 40 through 42.
- 8 Page 15, delete line 1.
- 9 Page 15, line 2, delete "certificate of authority,".
- 10 Page 15, line 2, after "designated" insert **"in a contract executed**
- 11 **before July 1, 1999,".**
- 12 Page 15, line 3, strike "five" and insert **"ten"**.
- 13 Page 15, line 4, strike "(5%)" and insert **"(10%)"**.
- 14 Page 15, line 4, delete "original".
- 15 Page 15, line 5, delete "," and insert ".".
- 16 Page 15, line 5, delete "less any services or merchandise delivered
- 17 as of the date of".
- 18 Page 15, line 6, delete "notice of transfers.".
- 19 Page 16, line 8, after "trustee" insert **"or escrow agent"**.
- 20 Page 16, line 21, after "trust" insert **"or escrow"**.
- 21 Page 16, line 30, delete "." and insert **"or the designated recipient**
- 22 **of the escrow funds."**
- 23 Page 17, line 18, delete "." and insert **"or escrow."**.
- 24 Page 17, line 19, after "trust" insert **"or escrow"**.
- 25 Page 17, line 37, after "trustee" insert **"two dollars and fifty cents**
- 26 **(\$2.50) on contracts having a value of less than one thousand**
- 27 **dollars (\$1,000) and"**.
- 28 Page 17, line 38, after "(\$5)" insert **"on contracts having a value**
- 29 **of at least one thousand dollars (\$1,000)"**.
- 30 Page 17, line 39, after "." insert **"However, no fee is due and**
- 31 **payable on contracts funded with a previously issued life insurance**
- 32 **policy."**
- 33 Page 19, line 9, after "million" insert **"five hundred thousand"**.
- 34 Page 19, line 9, strike "(\$1,000,000)" and insert **"(\$1,500,000)"**.
- 35 Page 19, line 11, after "million" insert **"five hundred thousand"**.
- 36 Page 19, line 12, strike "(\$1,000,000)." and insert **"(\$1,500,000)." .**
- 37 Page 19, line 16, delete "shall" and insert **"may"**.
- 38 Page 19, line 20, after "chapter" insert **"to be added to the fund**
- 39 **established under section 28 of this chapter."**
- 40 Page 19, line 26, after "company," insert **"or"**.
- 41 Page 19, line 26, after "corporation" delete ",".
- 42 Page 19, line 27, delete "an association, or a partnership".

- 1           Page 19, line 37, after "." insert "**Each act committed in violation**  
2           **of this subsection constitutes a separate offense.**".  
              (Reference is to HB 1758 as printed February 9, 1999.)

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Representative Lytle